

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA

vs

7:19-cr-00024-MFU

XYLINA FANCHON BARLOW

MOTION FOR RULE 16 DISCOVERY

Defendant, XYLINA FANCHON BARLOW, by counsel, moves for discovery and disclosure of evidence pursuant to due process under the Constitution of the United States of America and pursuant to the laws and statutes of the United States of America, including Rule 16, Federal Rules of Criminal Procedure.

1. Rule 16(a)(1)(A) Material. The government is requested to disclose the substance of any relevant oral statement made by the defendant whether before or after arrest in response to interrogation by any person then known by the defendant to be a government agent, which statement the government intends to use at trial.

2. Rule 16(a)(1)(B) Material. The government is requested to disclose in writing and make available for inspection, copying, or photographing: (i) any relevant written or recorded statement made by defendant, or copies thereof, within the possession, custody, or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government; (ii) that portion of any written record containing the substance of any relevant oral statement made by defendant whether before or after arrest in response to interrogation by any person then known to the defendant to be a government agent; and (iii) recorded

testimony of the defendant before a Grand Jury which relates to the offense charged

This request specifically includes:

- a. All recordings of telephone calls to which defendant is alleged to have been a party.
2. Rule 16(a)(1)(D) Material. The prosecution is requested to furnish to defendant a copy of defendant's known or knowable prior criminal record.
3. Rule 16(a)(1)(E) Material. The prosecution is requested to notify defense counsel in writing of the terms and conditions under which defendant may inspect and copy or photograph any books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, that are within the possession, custody or control of the government, and which are material to the preparation of defendant's defense, or are intended for use by the government as evidence in chief at the trial, or were obtained from or belonged to defendant.

This request specifically includes:

- a. Copies of any surveillance photograph(s) or video(s)
- b. Copies of any audio recording(s).
- c. A comprehensive inventory of all property seized from any person, which implicates defendant in any conspiracy, agreement or concerted action with any other person.
- d. Any record of any transaction(s) in which defendant is alleged to have participated, including without limitation, any telephone records, sales receipts, lodging receipts, email or other electronic data, and any other record of any other transaction of any nature.

4. Rule 16(a)(1)(F) Material. The government is requested to permit defendant to inspect and copy or photograph any known or knowable results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the government, and which are material to the preparation of the defense or are intended for use by the government as evidence in chief at trial.

5. Rule 16(a)(1)(G) Material. The government is requested to give to defendant a written summary of any testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case in chief at trial.

Respectfully submitted,

XYLINA FANCHON BARLOW

By s/ Robert C. Hagan, Jr.
Of Counsel

Robert C. Hagan, Jr., Esquire
(VSB #19702)
P.O. Box 448
Fincastle, Virginia 24090
Telephone: 540-473-2044
Facsimile: 540-473-2014
Email: fincastlelaw@gmail.com
Counsel for Xylina Fanchon Barlow

CERTIFICATE OF MAILING

The undersigned counsel for defendant certifies that a true copy of the foregoing Motion for Rule 16 Discovery was filed electronically with the clerk of the Court, using the CM/ECF system, which will send notification of such filing to all counsel of record this 26th day of November 2019.

s/ Robert C. Hagan, Jr.

Robert C. Hagan, Jr.